

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMGEN INC. and AMGEN)	
MANUFACTURING, LIMITED,)	
)	
Plaintiffs,)	
)	C.A. No. 18-1064-CFC
v.)	
)	
HOSPIRA, INC. and PFIZER INC.,)	
)	
Defendants.)	

**STIPULATION AND [PROPOSED] ORDER REGARDING
JOINT CLAIM CONSTRUCTION BRIEF**

WHEREAS, pursuant to the Scheduling Order (D.I. 26), Plaintiffs Amgen Inc. and Amgen Manufacturing, Limited (“Plaintiffs”) served their opening claim construction brief on March 1, 2019 (D.I. 44), Defendants Hospira, Inc. and Pfizer Inc. (“Defendants”) served their answering claim construction brief on March 22, 2019 (D.I. 46), and Plaintiffs served their reply claim construction brief on April 3, 2019 (D.I. 50);

WHEREAS, on April 12, 2019, Defendants informed Plaintiffs that they intended to revise their answering claim construction brief to comply with guidance provided by the Court in *Genentech v. Amgen Inc.*, C.A. No. 17-1407-CFC and specifically, to narrow their expert declaration and to remove certain references to their expert declaration in their answering claim construction brief accordingly;

WHEREAS, on April 15, 2019, Defendants served their sur-reply claim construction brief and Defendants also served on the same day a revised answering claim construction brief which included a revised expert declaration;

WHEREAS, Plaintiffs relied on Defendants' original answering brief in drafting its reply brief and in light of Defendants' revised answering claim construction brief, have corresponding changes to their reply brief;

WHEREAS, the parties agree to the amendment of their respective original answering and reply briefs, served after the deadlines set forth in the Scheduling Order, and to extend the deadline for submission of the joint claim construction brief to Monday, April 22, 2019, so that the parties may prepare the joint claim construction brief with the revised briefing.

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendants, through their undersigned counsel and subject to the approval of the Court, that: (1) the parties may file the joint claim construction brief with the revised briefing that has been exchanged; and (2) the deadline for the parties to submit the joint claim construction brief shall be extended from April 18, 2019, through and including April 22, 2019.

/s/ Katharine L. Mowery

Robert W. Whetzel (#2288)
Katharine Lester Mowery (#5629)
Tyler E. Cragg (#6398)
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
920 North King Street
Wilmington, Delaware 19801
(302) 651-7634
whetzel@rlf.com
mowery@rlf.com
cragg@rlf.com

*Attorneys for Amgen Inc. and Amgen
Manufacturing, Limited*

Dated: April 18, 2019

/s/ Arthur G. Connolly III

Arthur G. Connolly III (#2667)
Ryan P. Newell (#4744)
Connolly Gallagher LLP
1201 North Market Street
20th Floor
Wilmington, DE 19801
(302) 757-7300
aconnolly@connollygallagher.com
rnewell@connollygallagher.com

Attorneys for Hospira, Inc. and Pfizer Inc.

IT IS SO ORDERED, this _____ day of April, 2019.

UNITED STATES DISTRICT JUDGE